

1 W. Donald Gieseke  
2 Bankruptcy Trustee  
3 18124 Wedge Pkwy., Suite 518  
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5 UNITED STATES BANKRUPTCY COURT

6 DISTRICT OF NEVADA

7 IN RE: ) BK – 10-52235  
8 DOIEL, ROBERT DEAN ) CHAPTER 7  
9 DOIEL, NEVA JEAN ) **MOTION FOR AUTHORIZATION OF**  
10 ) **SALE OF REAL PROPERTY AND**  
11 ) **PAYMENT OF REAL ESTATE**  
12 ) **COMMISSION AND NORMAL CLOSING**  
13 ) **COSTS AND TAXES**  
14 )  
15 ) HEARING DATE: November 29, 2011  
16 ) HEARING TIME: 10:00 a.m.  
17 ) TIME REQUIRED: 5 Minutes

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14 TO UNITED STATES BANKRUPTCY JUDGE:

16 W. DONALD GIESEKE, duly appointed and acting trustee, respectfully represents:

17 1. Debtor filed their voluntary petition for relief under Chapter 7 of Title 11 of the  
18 United States Bankruptcy code on June 9, 2010.

19 2. Debtor is owner of a certain parcel of real property listed in Schedule A of their  
20 Petition. The property is located in Lyon County, State of Nevada and is more particularly  
21 described as follows:

22 Lots 13 and 12 (thirteen and twelve) located in Ramsey Subdivision No. 6, as recorded in  
23 the office of the Lyon County Recorder on December 7, 1959, under Document No.  
24 76709 (APN's 018-502-04 and 018-502-05). Together with any and all improvements  
25 thereon.

26 3. The Trustee has entered into, subject to Bankruptcy Court approval, an Offer and  
27 Acceptance Agreement – Vacant Land (“Offer”), a true and correct copy of which is attached as  
28

1 Exhibit "A" and incorporated herein by reference, for the sale of subject property to Ida A.  
 2 Shapiro in the total amount of Five Thousand Five Hundred Dollars (\$5,500.00) for the 2 lots.

3       4. The estimate of value provided to this Court in the **EX PARTE APPLICATION**  
 4 **OF TRUSTEE FOR ORDER APPROVING EMPLOYMENT OF REAL ESTATE**  
 5 **AGENT** was between \$8,000.00 and \$12,000.00.

6       5. By this motion, the Trustee seeks an order approving the sale of property of the  
 7 estate free and clear of liens under 11 U.S.C. Section 363(b) subject to the payment of normal  
 8 closing costs and outstanding taxes, and subject to offers to purchase the property for a sales  
 9 price in excess of the prospective buyer's current offer before, or at, the appointed Hearing.

10      6. Trustee believes the sale of the property herein is in the best interest of the estate  
 11 as no offers have been received from other parties despite the marketing efforts of the Agent.  
 12 However, in the event a higher offer to purchase the property before, or at, the appointed hearing  
 13 is received, the following terms and conditions must be complied with:

14           Minimum One Thousand Dollar (\$1,000.00) deposit;

15           Subject to the approval of this Court, and;

16           Balance due in cash within Five (5) days following the Court hearing.

17      7. In order to market the real property most effectively and thereby to liquidate the  
 18 same for the best and highest price, Samantha Brockelsby of Dickson Realty, a licensed real  
 19 estate agent in Reno, Nevada was employed by Order of this Court on December 30, 2010  
 20 (Docket #17). Ms. Brockelsby ("Agent") advertised said property at the Agent's expense,  
 21 showed the property to interested parties, represented the estate as seller in connection with the  
 22 sale of the property, and advised the Trustee with respect to obtaining the highest and best offers  
 23 available in the present market for said property. In addition, Ms. Brockelsby assisted in the  
 24 clearing of a cloud on the title of said property. Based upon her knowledge and experience, the  
 25 subject properties were listed on August 26, 2011 and advertised for sale at a total price of Six  
 26 Thousand Dollars (\$6,000.00).

27      8. It is further requested that said Agent, Samantha Brockelsby of Dickson Realty,  
 28 receive a real estate agent's commission in an amount equal to Ten Percent (10%) of the gross

1 sales price. In the event that the property is sold on an over bid, to a buyer not procured by the  
2 Agent employed by the applicant, said Agent will nonetheless be entitled to receive a real estate  
3 agent's commission equal to Five Percent (5%) for her services rendered in representing the  
4 estate in marketing the property

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6  
7 WHEREFORE, the Trustee requests the entry of an order authorizing the foregoing sale  
8 free and clear of liens other than as provided above; authorizing him to execute any and all  
9 documentation necessary on behalf of the estate to complete this transaction; authorizing  
10 payment of the real estate commission, and; granting such other and further relief as the Court  
11 deems appropriate.

12  
13 DATED this 12th day of October, 2011.  
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15 /s/ W. Donald Gieseke

16 W. Donald Gieseke, Trustee  
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SAMPLE ORDER

W. Donald Gieseke  
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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

IN RE: BK – 10-52235  
DOIEL, ROBERT DEAN CHAPTER 7  
DOIEL, NEVA JEAN  
DEBTOR(S) Hearing Date: November 29, 2011  
Hearing Time: 10:00 a.m.

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ORDER

BASED upon the **MOTION FOR AUTHORIZATION OF SALE OF REAL PROPERTY AND PAYMENT OF REAL ESTATE COMMISSION AND NORMAL CLOSING COSTS AND TAXES**, filed on October 12, 2011 and the hearing held on November 29, 2011, due notice been afforded to all parties-in-interest and good cause appearing for approval thereof;

**IT IS HEREBY ORDERED:**

1. The property, described as:

1 Lots 13 and 12 (thirteen and twelve) located in Ramsey Subdivision No. 6, as recorded  
2 in the office of the Lyon County Recorder on December 7, 1959, under Document No.  
3 76709 (APN's 018-502-04 and 018-502-05). Together with any and all improvements  
4 thereon.

5 may be sold free and clear of liens pursuant to 11 U.S.C. §363(b) and further pursuant to the  
6 terms and conditions set forth in the Motion.

7 2. The Trustee is authorized to execute any and all documentation necessary on  
8 behalf of the estate to complete this transaction.

9 3. The Trustee is authorized to pay the real estate commission.

10 Submitted by:

11 /s/ W. Donald Gieseke

12 W. Donald Gieseke, Trustee

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